

**REMARKS**

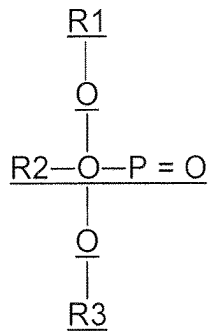
Claims 1-4, 6-9, 25 and 26 are pending. By this Preliminary Amendment, Claims 1 and 6 are amended and Claims 2 and 7 are cancelled without prejudice or disclaimer. Thus, Claims 1, 3-4, 6, 8-9, and 25-26 are pending. Support for the amendments to the claims can be found in the application as originally filed, see, for example only, page 10, lines 26-28, the paragraph bridging pages 27-28, page 33, lines 4-13, and claims 2 and 7. As such, Applicants respectfully submit that no new matter is presented herein.

**Claim Rejection -- 35 U.S.C. §103**

Claims 1-4, 6-9, and 25-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,746,516 to Miyasaka et al. (Miyasaka) in view of U.S. Patent No. 5,789,836 to Hayakawa; and Claims 4 and 9 are alternatively rejected under 35 U.S.C. §103(a) as being unpatentable over Miyasaka and Hayakawa, as applied to Claims 1 and 6 above, and further in view of U.S. Patent No. 5,821,655 to Tokushima et al. (Tokushima). To the extent that the rejections may apply to the claims as amended, the Applicants respectfully traverse the rejections for at least the following reasons.

Claims 1 and 6 respectively recite a hydrodynamic type oil-impregnated sintered bearing and a spindle motor having a bearing, wherein the bearing includes, among other features, a porous bearing body of sintered metal having a bearing surface and lubricating oil or lubricating grease impregnated in pores inside the bearing body, wherein the lubricating oil or a base oil of the lubricating grease is a lubricating oil selected from among mixtures of poly- $\alpha$ -olefin or hydrogenated compound thereof and

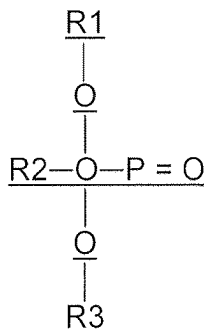
ester, and further includes phosphoric ester defined by the general formula shown on the next page:



As recited in Claims 1 and 6, the feature of “the surface holes being distributed substantially uniformly over the whole area of the bearing surface including areas of the hydrodynamic pressure generating grooves” contributes to uniform pressure distribution in the bearing clearance (see the original Specification on page 33, lines 4-13). Furthermore, the feature of a lubricating oil that includes phosphoric ester contributes to an increase of film formability of the lubricating oil or the base oil of the lubricating grease (see the original Specification on page 10, lines 26-28).

Miyasaka, on the other hand, teaches that the porosity of the grooved area is larger than that of the bearing surface, other than in the grooved area, wherein the porosity in the grooved area is in the range of 5 to 40 percent by area (see Column 2, lines 41-44). Miyasaka does not teach or suggest “the surface holes being distributed substantially uniformly over the whole area of the bearing surface including areas of the hydrodynamic pressure generating grooves”. In addition, the Office Action admits that Miyasaka does not teach or suggest the feature of a lubricating oil that includes phosphoric ester.

Hayakawa is cited for curing the deficiency of Miyasaka with respect to the feature of a lubricating oil that includes phosphoric ester, and Tokushima is cited for teaching a "porous bearing (3) formed from iron and copper." The Applicants respectfully submit that Hayakawa and Tokushima, as cited, also do not teach or suggest the surface holes being distributed substantially uniformly over the whole area of the bearing surface including areas of the hydrodynamic pressure generating grooves. Furthermore, although the Office Action asserts that Hayakawa teaches a lubricating oil that includes a polyol ester, the Applicants respectfully submit that Hayakawa, and Tokushima as well, do not teach or suggest a lubricating oil that includes a phosphoric ester defined by the general formula shown below.



For at least the combination of reasons provided above, the Applicants respectfully submit that one of ordinary skill in the art would not find it obvious to modify Miyasaka according to the teachings of Hayakawa and/or Tokushima, as asserted, because doing so would not arrive at the combination of features recited in Claims 1 and 6, respectively. As such, the Applicants respectfully submit the Office Action has failed to establish *prima facie* obviousness as required under MPEP 2143.03. Therefore, the Applicants respectfully submit Claims 1, 3-4, 6, 8-9, and 25-26 are

allowable for at least the above-described reasons as well as for depending upon allowable claims 1 and 6, respectively.

Withdrawal of the rejections is respectfully requested.

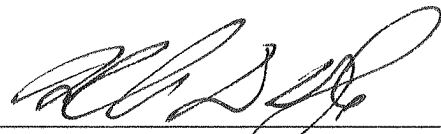
**Conclusion**

In view of the foregoing, the Applicants respectfully request reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1, 3-4, 6, 8-9, and 25-26, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 100725-09009.**

Respectfully submitted,



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Enclosure: Request for Continued Examination